

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Seattle  
**FILE NUMBER:** 200401507

**REGULATORY PROJECT MANAGER:** Winkler **Date:** 21 Dec 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office ☐ (Y/N) **Date:** \_\_\_\_\_  
 At the project site ☒ (Y/N) **Date:** 19 Oct 2004

**PROJECT LOCATION INFORMATION:**

**State:** Washington  
**County:** Clallam  
**Center coordinates of site by latitude & longitudinal coordinates:** 48°02'56"N 122°58'22"W  
**Approximate size of site/property (including uplands & in acres):** 3 acres  
**Name of waterway or watershed:** Dungeness-Elwa Watershed

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		3							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or **Approved X.**

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):** The wetland in question is approximately 3 acres, but the portion proposed to be filled is approximately 0.02 acres where Pierce Road crosses a ditch system on the north side of HW 101. Only the 0.02 acres at the project site were evaluated.

The water from the ditch system flows onto the- project site and then through the 3 acre wetland, which runs southeast of the project site (approximately parallel to HW 101). The wetland crosses a slight rise in topography and connects to a ditch, which flows past an area of old fill (homes and businesses) between Old Blyn HW and HW 101. Shortly after passing the old fill pad, the flow infiltrates into existing agricultural fields. No physical signs of surface flow could be found connecting the flow to a water of the U.S. There are several other ditches through the fields and there are wetlands adjacent to HW 101, which appeared to be waters of the U.S. However, these waters were not connected to the flow that we traced from the Pierce Road project site.

The 0.02 acres of wetlands evaluated on the project site are isolated and are not waters of the U.S.